

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELON BAPTISTE WARD,

Plaintiff,

v.

A. LARIOS,

Defendant.

No. 1:23-cv-01509-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT THE
FEDERAL CLAIM BE DISMISSED, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM, AND THAT THE COURT DECLINE
TO EXERCISE SUPPLEMENTAL
JURISDICTION OVER STATE LAW
CLAIMS

(ECF No. 16)

Plaintiff Delon Baptiste Ward is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 8, 2024, the assigned magistrate judge screened plaintiff's first amended complaint and issued findings and recommendations recommending that the 42 U.S.C. § 1983 claim be dismissed for failure to state a cognizable claim upon which relief may be granted, and that the court decline to exercise supplemental jurisdiction over plaintiff's state law claims. (Doc. 16.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 7.) On February 2, 2024, plaintiff filed a motion for an extension of time to file a second amended

1 complaint. (Doc. 17.) The magistrate judge denied that motion on February 5, 2024, finding that
2 further leave to amend was not warranted, but granted plaintiff a 30-day extension of time to file
3 any objections to the findings and recommendations. (Doc. 18.) On April 15, 2024, plaintiff
4 filed a motion dated April 9, 2024, requesting an extension of time to file objections to the
5 findings and recommendations. (Doc. 20.) The magistrate judge denied that motion, finding that
6 plaintiff had not shown good cause for his requested extension of time. (Doc. 21.) To date, no
7 objections have been filed, and the extended deadline has expired.


8 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this court has conducted a de
9 novo review of the case. Having carefully reviewed the file, the court concludes that the
10 magistrate judge's findings and recommendations are supported by the record and by proper
11 analysis.

12 Accordingly:

- 13 1. The findings and recommendations issued on January 8, 2024, (Doc. 16), are
14 adopted in full;
 - 15 2. The federal claim in this action is dismissed, with prejudice, due to plaintiff's
16 failure to state a claim upon which relief may be granted;
 - 17 3. The exercise of supplemental jurisdiction over plaintiff's state law claims is
18 declined, and the state law claims are dismissed, without prejudice; and
 - 19 4. The Clerk of the Court is directed to close this case.
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22 IT IS SO ORDERED.

23 Dated: October 10, 2024

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UNITED STATES DISTRICT JUDGE